

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

|   |   |                         |
|---|---|-------------------------|
| -----                                   | X |                         |
|   | : |                         |
| AXIOM INVESTMENT ADVISORS,              | : |                         |
| LLC, by and through its Trustee, Gildor | : |                         |
| Management LLC,                         | : |                         |
|   | : |                         |
| Plaintiff,                              | : |                         |
|   | : |                         |
| v.                                      | : | Case No. 15-cv-9323-LGS |
|   | : |                         |
| BARCLAYS BANK PLC and                   | : |                         |
| BARCLAYS CAPITAL, INC.,                 | : |                         |
|   | : |                         |
| Defendants.                             | : |                         |
|   | : |                         |
| -----                                   | X |                         |

**PLAINTIFF’S NOTICE OF MOTION AND  
MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT**

**TO: ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD**

**PLEASE TAKE NOTICE** that, on March 24, 2016 at 4:00 p.m., at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, in the Courtroom of the Honorable Lorna G. Schofield, “Plaintiff”<sup>1</sup> will, and hereby does, move the Court, pursuant to Fed. R. Civ. P. 23(e), for an Order:

- (1) preliminarily approving the proposed settlement set forth in the Stipulation and Agreement of Settlement with Barclays Bank PLC and Barclays Capital Inc. (“Settlement Agreement”) with Defendants;
- (2) preliminarily certifying the proposed Class for settlement purposes;

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<sup>1</sup> Unless otherwise defined herein, all capitalized terms have the meaning ascribed to them in the Settlement Agreement.

- (3) appointing George A. Zelcs of Korein Tillery LLC and Christopher M. Burke of Scott+Scott, Attorneys at Law, LLP as settlement class counsel;
- (4) appointing Plaintiff as class representative for settlement purposes;
- (5) approving Huntington National Bank as Escrow Agent;
- (6) approving Garden City Group as Claims Administrator; and
- (7) staying all proceedings in the Action until further order of the Court, except as may be necessary to implement the settlements set forth in the Settlement Agreement or to comply with the terms thereof.

Submitted herewith in support of this Motion are the:

- (1) Plaintiff's Memorandum of Law in Support of Motion for Preliminary Approval of Settlement;
- (2) Declaration of George A. Zelcs in Support of Plaintiff's Motion for Preliminary Approval of Settlement and the Exhibits thereto; and
- (3) [Proposed] Order Preliminarily Approving Settlement, Conditionally Certifying the Settlement Class, and Appointing Class Counsel and Class Representative for the Settlement Class.

Dated: February 17, 2016

s/ Christopher M. Burke  
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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 17, 2016, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses denoted on the Electronic Mail Notice List, and I hereby certify that I caused the foregoing document or paper to be mailed via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 17, 2016.

s/ Christopher M. Burke  
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